

Appl. No. 10/790,418
Docket No. 9562
Amendment dated August 22, 2007
Reply to Office Action mailed on May 22, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-7 and 9-20 are pending in the application.

Claims 1, 18, and 20 have been amended based on the disclosure at page 5, lines 18-22.

Claim 1 has been further amended based on the disclosure at page 7, lines 26-30.

Claim 9 has been amended to reflect its dependency from Claim 1.

Claim 20 has been further amended to provide proper antecedent basis for "said fluid impermeable barrier".

Specification

The specification has been objected to because the Office Action asserts that Claim 20 lacks antecedent basis in the specification. Applicants have now amended the specification, based on original Claim 20, to provide proper antecedent basis.

Claim Objections

Claim 20 has been objected to due to the term "liquid impermeable". Applicants have now amended Claim 20 in accordance with the Examiner's previous suggestion.

Claim 9 has been objected to due to its dependence from Claim 8, which had been canceled without prejudice. Claim 9 has now been amended to be dependent from Claim 1.

Rejection Under 35 USC §103(a) Over Anderson et al. in view of Meyer et al.

Claims 1-4, 7, 10, 12-15, 17, and 19 have been rejected under 35 USC §103(a) as being obvious over Anderson et al., US 4,681,578, in view of Meyer et al., US 4,798,603. Applicants respectfully traverse this rejection.

Anderson et al. teach a pantiliner comprising a ventilation area to provide a degree of breathability for the article, while protecting the user's garments from soiling. To

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achieve this, Anderson et al. teach a pantiliner comprising a fluid impervious barrier layer positioned between a core and a vapor pervious outer layer. The barrier layer has a length that is the same as the length of the pantiliner (to protect the user's garments from soiling), but has a width that is smaller than the width of the pantiliner to provide ventilation areas along the sides of the pantiliner. The vapor pervious outer layer of Anderson et al. is positioned on the garment-facing side of the core and can consist of any number of materials, including woven and nonwoven materials, with nonwoven materials being preferred. The pantiliner of Anderson et al. is optionally provided with a topsheet material on the body-facing side of the core. The optional topsheet of Anderson et al. can consist of any number of materials, including woven and nonwoven materials, such as thermoplastic films as well as a number of materials described in other cited patents. As such, Anderson et al. teach a vapor pervious outer layer and an optional topsheet that can consist of a number of different materials, including materials that could be considered hydrophobic and materials that could be considered hydrophilic.

In contrast to the disclosure of Anderson et al., the subject matter of the present claims relates to a sanitary napkin, such as a pantiliner, having a sanitary napkin outer periphery and comprising a hydrophobic nonwoven topsheet, a hydrophobic nonwoven backsheet, an absorbent core positioned between the topsheet and backsheet defining a core outer periphery, a fluid impermeable barrier positioned between the absorbent core and backsheet and being disposed within the core outer periphery and not extending beyond it, and an area between the core outer periphery and sanitary napkin outer periphery that is a breathable zone which completely surrounds the core outer periphery. This unique combination of elements provides a sanitary napkin with desirable breathability while still protecting the user's garments from soiling. These benefits are described by Applicants, for example, at page 7, lines 8-30 of the present specification.

Anderson et al. clearly do not teach a barrier layer that does not extend beyond a core outer periphery in combination with an area between the core outer periphery and sanitary napkin outer periphery that is a breathable zone that completely surrounds the core outer periphery, as presently claimed. Furthermore, Anderson et al. does not teach or recognize that such a breathable zone can be achieved while still protecting the user's garments from soiling via the combination of a hydrophobic nonwoven topsheet and a hydrophobic nonwoven backsheet, as presently claimed. Instead, Anderson et al. require

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ventilation zones only on the sides of the pantiliner (versus all the way around the core outer periphery) and a barrier layer that extends beyond the core periphery to the longitudinal ends of the pantiliner in order to provide the necessary protection against soiling. Anderson et al. do not recognize that a pantiliner that has a breathable zone that completely surrounds the core outer periphery can be achieved and still provide protection against soiling via the combination of a hydrophobic nonwoven topsheet and hydrophobic nonwoven backsheet, as presently claimed.

The Office Action cites Meyer et al. as a secondary reference on the basis that Meyer et al. teach hydrophobic nonwoven topsheets. However, Meyer et al. do not remedy the lack of teachings of Anderson et al. with regard to the presently claimed invention as discussed above.

As such, Applicants submit that the rejection of Claims 1-4, 7, 10, 12-15, 17, and 19 under 35 USC §103(a) as being obvious over Anderson et al. in view of Meyer et al. is improper and respectfully request that it be withdrawn.

Rejection Under 35 USC §103(a) Over Anderson et al. in view of Meyer et al. and further in view of Kudo et al.

Claims 5, 9, and 11 have been rejected under 35 USC §103(a) as being obvious over Anderson et al. in view of Meyer et al. and further in view of Kudo et al., US 2003/0187417 A1. Applicants respectfully traverse this rejection.

Anderson et al. and Meyer et al. are discussed above. As with Meyer et al., Kudo et al. do not remedy the lack of teachings of Anderson et al. and Meyer et al. with regard to the presently claimed invention. Therefore, Applicants submit that the rejection of Claims 5, 9, and 11 under 35 USC §103(a) as being obvious over Anderson et al. in view of Meyer et al. and further in view of Kudo et al. is improper and respectfully request that it be withdrawn.

Rejection Under 35 USC §103(a) Over Anderson et al. in view of Meyer et al. and further in view of Carstens et al.

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Claims 6, 16, 18, and 20 have been rejected under 35 USC §103(a) as being obvious over Anderson et al. in view of Meyer et al. and further in view of Carstens et al., US 6,582,411. Applicants respectfully traverse this rejection.

Anderson et al. and Meyer et al. are discussed above. As with Meyer et al., Carstens et al. do not remedy the lack of teachings of Anderson et al. and Meyer et al. with regard to the presently claimed invention. Therefore, Applicants submit that the rejection of Claims 6, 16, 18, and 20 under 35 USC §103(a) as being obvious over Anderson et al. in view of Meyer et al. and further in view of Carstens et al. is improper and respectfully request that it be withdrawn.

Conclusion

In view of the foregoing amendments and accompanying remarks, reconsideration of this application and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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